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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,508	10/27/2001	Senthil Kumar	REIM-0001	3871
27964	7590	10/01/2007		
HITT GAINES P.C. P.O. BOX 832570 RICHARDSON, TX 75083			EXAMINER HOSSAIN, TANIM M	
			ART UNIT 2145	PAPER NUMBER
			NOTIFICATION DATE 10/01/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@hittgaines.com

Office Action Summary

Application No.

10/032,508

Applicant(s)

KUMAR ET AL.

Examiner

Tanim Hossain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kauffman (U.S. 2002/0073084) in view of Scaraglino (U.S. 2003/0229893) in further view of Noll (U.S. 2002/0054087) in further view of McFaddin (U.S. 2003/0056213).

As per claim 1, Kauffman teaches for use with a computer network, a media and advertisement distribution and tracking system, comprising: remote players configured to store media playback and to store advertisements for playback (paragraphs 0003, 0009; where the caching and playing of the media constitutes storage); a media server that distributes said media to said remote players via said computer network (figure 1, 0003, 0009, 0010, 0018); an advertisement server that distributes said advertisements to said remote players via said computer network (figure 1, 0003, 0009, 0010, 0018); and a tracking subsystem that retrieves as-run logs from remote devices via said computer network and generates media and advertisement play reports (0010, 0018, 0022). Kauffman teaches that as-run logs are stored in the POP device, but does not specifically teach that the media is stored according to playback rules, that the

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advertisements are stored according to advertising schedules, that the player itself stores playback information in as-run logs, and that advertisement billing reports are generated.

Sgaraglino teaches the logging of information such that advertisement billing reports may be obtained (0060). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the ability to log advertisement billing statistics, as taught by Sgaraglino in the system of Kauffman. The motivation for doing so lies in the fact that a running total of advertising expenses may be kept such that billing may be performed efficiently. Kauffman-Sgaraglino does not specifically teach that the media is stored according to playback rules. Noll teaches that the media is propagated and stored based on user preferences, which constitutes playback rules (Abstract, 0078). It would have been obvious to one of ordinary skill in the art at the time of the invention to include that the media is distributed in a rule-based fashion, as this concept is eminently well known in the art of personalized music/video distribution, for example. As such, one of ordinary skill in the art would have been motivated to include this teaching to better tailor services to a specific user, for example. All inventions are from the same field of endeavor, namely the distribution of media to a user. Kauffman-Scaraglino-Noll does not specifically teach that the advertisements are stored according to advertising schedules.

McFaddin teaches the propagation of advertisements in a media distribution system according to a corresponding advertising schedule (Abstract, 0032). It would have been obvious to one of ordinary skill in the art at the time of the invention to include advertisements running on a schedule, as this concept is well known in the art of media delivery, and having a set schedule for advertisement delivery would allow for a more targeted and relevant advertisement scheme, such that advertisements can be geared to a certain user in a predictive fashion, for example. All

inventions are from the same field of endeavor, namely the distribution of media content.

Kauffman-Scaraglino-Noll-McFaddin does not specifically teach that the remote players contain the as-run logs. It would have been an obvious design choice to include the as-run logs anywhere in the system, and to include it at the media player is well known in the art to allow for a compact system for centralized functionality, for example.

As per claim 2, Kauffman-Sgaraglino-Noll-McFaddin teaches the system as recited in claim 1, wherein said media server adjusts said playback rules based on said as run logs (Kauffman: 0017; Noll: Abstract, 0078).

As per claim 3, Kauffman-Sgaraglino-Noll-McFaddin teaches the system as recited in claim 1, wherein said advertisement server adjusts said advertising schedules based on said as run logs (Kauffman: 0010, 0018, 0019).

As per claim 7, Kauffman-Sgaraglino-Noll-McFaddin teaches the system as recited in claim 1, wherein said computer network is the Internet (Kauffman: 0017).

Claims 8, 9, 10, and 14 are rejected under Kauffman-Sgaraglino-Noll-McFaddin on the same bases as claims 1, 2, 3, and 7 respectively, as claims 8, 9, 10, and 14 constitute the method of implementation for the system of claims 1, 2, 3, and 7 respectively.

Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kauffman-Sgaraglino-Noll-McFaddin in view of DiLorenzo (U.S. 6,256,554).

As per claim 4, Kauffman-Sgaraglino-Noll-McFaddin teaches the system as recited in claim 1, but does not specifically teach that the playback rules are governed by location of players, establishment type, demographics, history, and time considerations. DiLorenzo teaches

a media player in a hotel establishment that offers media selections based on location, which governs establishment type, demographics, history, and time considerations (column 6, lines 25-43). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the ability to discriminate the media offered by the system based on specific factors, as taught by DiLorenzo in the system of Kauffman-Sgaraglino-Noll-McFaddin. This way, only media that would likely be desired be offered, such that there is no wastage of resources offering media that would not likely be requested. This would lead to further efficiency of the invention. All inventions lie in the same field of endeavor, namely a user-controlled media player.

Claim 11 is rejected on the same basis as claim 4, as claim 11 is a method of implementation of the system of claim 4.

Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kauffman-Sgaraglino-Noll-McFaddin in view of Kurtzman, II et al. (U.S. 6,144,944).

As per claim 5, Kauffman-Sgaraglino-Noll-McFaddin teaches the system as recited in claim 1, wherein said advertising schedules are based on aspects selected from the group consisting of: sequence, time of day, date, day of week, month of year, and season of year (Kauffman: 0021; McFaddin: 0032). Kauffman-Sgaraglino-Noll-McFaddin does not specifically teach that the schedules are based on player location, establishment type, demographics, and proximity to media content. Kurtzman, II teaches advertisement engines which offer advertisements based on location of interest, including an establishment type, demographics, and relevance to media (column 3, line 57 – column 4, line 4; column 4, line 64 – column 5, line 15; column 6, lines 22-36). It would have been obvious to one of ordinary skill in

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the art at the time of the invention to include the ability to target the advertisement offered by the system based on specific factors, as taught by Kurtzman, II in the system of Kauffman-Sgaraglino-Noll-McFaddin. This way, only advertisements that would likely interest the user be shown, to allow for targeted advertising, leading to further efficiency of the invention. There would be few wasted advertisements. All inventions are from the same field of endeavor, namely the targeted advertising through the use of a network.

Claim 12 is rejected on the same basis as claim 5, as claim 12 is a method of implementation of the system of claim 5.

Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kauffman-Sgaraglino-Noll-McFaddin in view of Vermeire et al. (U.S. 2001/0044855).

As per claim 6, Kauffman-Sgaraglino-Noll-McFaddin teaches the system as recited in claim 1, wherein said advertising server comprises an interface that allows advertisers to view ones of said media and advertisement play reports and advertisement billing reports (0021). Kauffman-Sgaraglino-Noll-McFaddin does not specifically teach that the advertisement server comprises an interface where advertisers can upload advertisements directly, and control advertising schedules. Kauffman-Sgaraglino-Noll-McFaddin teaches the ability for advertisers to upload advertisements directly, and to choose scheduling for the advertisements (paragraph 0020). It would have been obvious to one of ordinary skill in the art at the time of the invention to allow advertisers to directly choose where advertisements will be inserted, as taught by Vermeire in the system of Kauffman-Sgaraglino-Noll-McFaddin. The motivation for doing so lies in the fact that allowing advertisers to control their advertisement would allow for further

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efficiency of the invention because the advertisers would have the freedom to specifically target certain customers for their product or service on the fly, to enable efficient marketing. All inventions are from the same field of endeavor, namely the efficient advertising between media viewing.

Claim 13 is rejected on the same basis as claim 6, as claim 13 is a method of implementation of the system of claim 6.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kauffman-Sgaraglino-Noll-McFaddin in view of Chung (U.S. 2002/0046279).

As per claim 15, Kauffman-Sgaraglino-Noll-McFaddin teaches a music and advertisement distribution and tracking system, comprising: remote players configured to store media for playback according to corresponding playback rules, to store advertisements for playback according to corresponding advertising schedules, and to store information corresponding to playback of said media and advertisement in as-run logs (Kauffman: 0010, 0018; Noll: Abstract, 0078; McFaddin: Abstract, 0032); a media server that distributes music to said remote players via the Internet according to said corresponding playback rules (Kauffman: paragraphs 0016, 0017; Noll: 0078); an advertisement server that distributes said advertisements to said remote players via the Internet according to said corresponding advertising schedules (Kauffman: 0009, 0022; McFaddin: 0032); and a tracking subsystem that retrieves said as-run logs via the Internet from said remote players and generates media and advertisement play reports and advertisement billing reports therefrom (Kauffman: 0010, 0018). Kauffman-Sgaraglino-Noll-McFaddin does not specifically teach the existence of a skin server that

distributes skins. Chung teaches a skin server storing and delivering skins (paragraph 0009). It would have been obvious to one of ordinary skill in the art at the time of the invention to include a skin server delivering skins as taught by Chung in the system of Kauffman-Sgaraglino-Noll-McFaddin. The motivation for doing so lies in the fact that adding skins can give the Kauffman-Sgaraglino-Noll-McFaddin media player a more personalized and attractive feel, allowing for possible ease of use. Both inventions are from the same field of endeavor, namely the network enabled delivery of personalized information.

Claim 16 is rejected on the same basis as claim 2, combined with Chung, as it discloses similar limitations to that of claim 2.

Claim 17 is rejected on the same basis as claim 3, combined with Chung, as it discloses similar limitations to that of claim 3.

Claim 18 is rejected on the same basis as claim 4, combined with Chung, as it discloses similar limitations to that of claim 4.

Claim 19 is rejected on the same basis as claim 5, combined with Chung, as it discloses similar limitations to that of claim 5.

Claim 20 is rejected on the same basis as claim 6, combined with Chung, as it discloses similar limitations to that of claim 6.

Response to Arguments

Applicant's arguments filed on August 27, 2007 have fully been considered and are respectfully traversed by the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanim Hossain whose telephone number is 571/272-3881. The examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571/272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tanim Hossain
Patent Examiner
Art Unit 2145



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SUPERVISORY PATENT EXAMINER